

S.B. 1
S.C.R. 13
S.C.R. 14

TWELFTH DAY
(Monday, February 3, 1975)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Samiasteban, Schwartz, Snelson, Traeger, and Williams.

Absent-excused: Andujar and Sherman.

A quorum was announced present.

The Reverend J. Chris Hines, Episcopal Student Center, University of Texas, Austin, Texas, offered the invocation as follows:

O God, the fountain of wisdom, whose statutes are good and gracious, and whose law is truth. We humbly beseech thee for the people of this state. Bless its Governor, and its Courts of Justice. Guide its legislature and especially this deliberative body assembled here today. Where it is corrupt, purify it; where it is in error, direct it; where in anything amiss, reform it. Where it is right, establish it; where it is in want, provide for it; where it is divided, reunite it; that it may ordain for our governance only such things as please thee. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of Thursday, January 30, 1975, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Sherman was granted leave of absence for today on account of inclement weather on motion of Senator Adams.

Senator Andujar was granted leave of absence for today on account of important business on motion of Senator Aikin.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S.C.R. 15

S.C.R. 18

PRESENTATION OF GUEST

The President recognized Senator Hance who requested permission to proceed to the President's Rostrum. There was no objection.

Senator Hance then presented as a Guest of the Senate under the provisions of S.R. 112, Roy Acuff. Mr. Acuff then addressed the Senate.

SENATE BILL 165 REREFERRED

On motion of Senator Ogg and by unanimous consent, S.B. 165 was withdrawn from the Committee on Education and rereferred to the Committee on State Affairs.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor were read and were referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
February 3, 1975

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Member of the Texas Optometry Board: For a six-year term to expire January 31, 1981: Dr. Salvador S. Mora of Laredo, Webb County is being reappointed; Dr. Philip Lewis of Houston, Harris County is replacing Dr. Jack Burton of Cleburne, Johnson County whose term expired.

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Member and Chairman of the State Board of Insurance: For a six-year term to expire January 31, 1981: Mr. Joe Christie of Austin, Travis County is being reappointed.

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Commissioner of the Texas Department of Labor and Standards: For a two-year term to expire February 1, 1977: Mr. Jackie St. Clair of Austin, Travis County is being reappointed.

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be a Member of the Board of Directors of the Upper Colorado River Authority: For a six-year term to expire January 1, 1981: Mr. Jack Douthit of Sterling City, Sterling County is being reappointed; Mr. J. Dale Leddy of San Angelo, Tom Green County is being reappointed; Mr. M. Royce Lee of Bronte, Coke County is being reappointed.

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the Nueces River Authority: For a six-year term to expire February 1, 1981: Mr. Joe E. Briscoe of Devine, Medina County is being reappointed; Mr. Gus T. Canales of Premont, Jim Wells County is being reappointed; Mr. Joseph Stubblefield Morris of San Antonio, Bexar County is replacing Mr. Tom E. Powers of San Antonio, Bexar County whose term expired; Mr. Harry J. Schulz of Three Rivers, Live Oak County is being reappointed; Mr. Benito M. Silva, Jr. of Carrizo Springs, Dimmit County is being reappointed; Mr. James Bernard Vine of Dilley, Frio County is being reappointed; Mr. Leslie H. Laffere of Uvalde, Uvalde County is being reappointed.

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the Texas Board of Mental Health and Mental Retardation: For a six-year term to expire January 31, 1981: Mrs. H. E. Butt of Corpus Christi, Nueces County is being reappointed; Dr. Margaret Cigarroa of Laredo, Webb County is being reappointed; Mr. Edwin Ray VanZandt of Beaumont, Jefferson County is being reappointed.

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of the Commission for Indian Affairs: For a six-year term to expire January 31, 1981: Mr. Thomas M. Diamond, Jr. of El Paso, El Paso County is replacing Mr. Barney Joseph Wieland of El Paso, El Paso County whose term expired.

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of the Veterans Land Board: For a four-year term to expire December 29, 1978: Mr. Henry H. Cannady of Port Arthur, Jefferson County is being reappointed.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced read first time and referred to the Committee indicated:

By Senator Gammage:

S.B. 182. A bill to be entitled An Act prohibiting an officer or employee of a public hospital from denying a seriously ill or injured person emergency treatment because of the person's inability to pay for the services; providing a penalty; and declaring an emergency.

To Committee on Human Resources.

By Senator Gammage:

S.B. 184. A bill to be entitled An Act relating to the exemption of certain persons from requirements for fire protection personnel; amending Subsection (b), Section 6, Chapter 668, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 4413 (35), Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Gammage:

S.B. 185. A bill to be entitled An Act relating to regulation of ambulance services and ambulance service personnel; providing a penalty; repealing Chapter 360, Acts of the 48th Legislature, Regular Session, 1943 (Article 4590b, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Human Resources.

By Senator Braecklein:

S.B. 186. A bill to be entitled An Act relating to the commitment, delivery to place of confinement, and the computation of sentence of a convicted defendant; amending Article 42.09, Code of Criminal Procedure, 1965, by adding a new Section 4a and by amending Sections 5 and 6; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Braecklein:

S.B. 187. A bill to be entitled An Act relating to an optional method of service of citation by registered mail; reserving personal service in certain situations; and declaring an emergency.

To Committee on Jurisprudence.

By Senators Ogg, Gammage, Schwartz, Williams and Mengden:

S.B. 188. A bill to be entitled An Act relating to creation of the Harris County Courts of Domestic Relations Nos. 6 and 7; making other provisions relative to the courts; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senators Ogg, Gammage, Schwartz, Williams and Mengden:

S.B. 189, A bill to be entitled An Act relating to the creation, jurisdiction, administration, and procedures of the Probate Court No. 3 of Harris County; making other provisions relative to the Probate Courts of Harris County; amending Section 14, Chapter 712, Acts of the 60th Legislature, Regular Session, 1967 (Article 1970-110a.2, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senators Ogg, Gammage, Schwartz, Williams and Mengden:

S.B. 190, A bill to be entitled An Act relating to the creation of the County Criminal Courts at Law Nos. 8, 9, and 10 of Harris County and the County Civil Court at Law No. 4; making other provisions relative to the courts; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senators Ogg, Gammage, Schwartz, Williams and Mengden:

S.B. 191, A bill to be entitled An Act relating to the creation of the 221st, 222nd, 223rd, 224th, 225th, and 226th Judicial Districts, each composed of Harris County; amending Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), by adding new Sections 3.049, 3.050, 3.051, 3.052, 3.053, and 3.054; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Jones:

S.B. 192, A bill to be entitled An Act relating to requiring deposit of security and proof of financial responsibility after a determination that there is a reasonable possibility of a judgment being rendered against a vehicle owner, operator, or owner and operator as a result of a vehicle accident; amending Section 5, Texas Motor Vehicle Safety-Responsibility Act, as amended (Article 6701b, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Jurisprudence.

By Senator Snelson:

S.B. 193, A bill to be entitled An Act amending Subchapter E, Chapter 54, Texas Education Code, by adding a new Section 54.504 authorizing the governing board of each institution of higher education to levy and collect from each student medical services fees; and declaring an emergency.

To Committee on Education.

By Senator Snelson:

S.B. 194, A bill to be entitled An Act amending Sec. 21.301 of the Texas Education Code and declaring an emergency.

To Committee on Education.

By Senator Snelson:

S.B. 195, A bill to be entitled An Act relating to the purchase of surplus or salvage equipment or material from state agencies by the public school districts of this state; amending Section 6a, Article 666, Vernon's Texas Civil Statutes; and declaring an emergency.

To Committee on State Affairs.

By Senator Santiesteban:

S.B. 196, A bill to be entitled An Act relating to the right of eminent domain for the purpose of obtaining access to land in which the state has a mineral interest; amending Chapter 497, Acts of the 54th Legislature, Regular Session, 1955, as

amended (Article 5421c-7, Vernon's Texas Civil Statutes), by adding a Section 9; amending Chapter 16, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 5421c-10, Vernon's Texas Civil Statutes), by adding a Section 4a; and declaring an emergency.

To Committee on Natural Resources.

By Senator Doggett:

S.B. 204, A bill to be entitled An Act amending Section 3.11 of Chapter 67, Acts of the 59th Legislature, Regular Session, 1965 (codified as Section 3.11 of Article 5547-203 of Vernon's Texas Civil Statutes); authorizing community centers for mental health and mental retardation services to acquire real and personal property; and declaring an emergency.

To Committee on Human Resources.

By Senator Doggett:

S.B. 205, A bill to be entitled An Act amending Section 3.15 of Chapter 67, Acts of the 59th Legislature, Regular Session, 1965, as amended by Chapter 688, Acts of the 61st Legislature, Regular Session, 1969 (codified as Section 3.15 of Article 5547-203 of Vernon's Texas Civil Statutes); authorizing the Texas Department of Mental Health and Mental Retardation to make transfers of personal property to community centers for mental health and mental retardation services; and declaring an emergency.

To Committee on Human Resources.

By Senator Doggett:

S.B. 206, A bill to be entitled An Act amending Section 3.02 of Chapter 67, Acts of the 59th Legislature, Regular Session, 1965, as amended by Chapter 688, Section 3, Acts of the 61st Legislature, Regular Session, 1969 (codified as Section 3.02 of Article 5547-203 of Vernon's Texas Civil Statutes); extending the term of appointment for members on the board of trustees of community centers for mental health and mental retardation services to three (3) years; and declaring an emergency.

To Committee on Human Resources.

By Senator Brooks:

S.B. 207, A bill to be entitled An Act amending Section 80 of Chapter 243, Acts of the 55th Legislature, Regular Session, 1957 (codified as Article 5547-80 of Vernon's Texas Civil Statutes); authorizing the head of a mental hospital to discharge a resident patient absent without authority from a state hospital for the mentally ill for a continuous period of eighteen months; and declaring an emergency.

To Committee on Human Resources.

By Senator Brooks:

S.B. 208, A bill to be entitled An Act amending Section 3.04 of Chapter 67, Acts of the 59th Legislature, Regular Session, 1965, as amended by Chapter 688, Acts of the 61st Legislature, Regular Session, 1969 (codified as Section 3.04 of Article 5547-203 of Vernon's Texas Civil Statutes); relating to the requirement that meetings of Boards of Trustees of Community Centers for Mental Health and Mental Retardation Services be open to the public; and declaring an emergency.

To Committee on Human Resources.

By Senator Patman:

S.B. 210, A bill to be entitled An Act relating to the office of county school superintendent in certain counties; amending Section 17.64, Texas Education Code, by adding Subsection (f); and declaring an emergency.

To Committee on Education.

By Senator Harrington:

S.B. 211, A bill to be entitled An Act relating to the adoption of the Interstate Mining Compact and the creation of the Texas Mining Council; and declaring an emergency.

To Committee on Natural Resources.

By Senator Traeger:

S.J.R. 25, Proposing an amendment to Article III, Section 24, of the Texas Constitution to change the per diem and expenses for members of the Legislature.

To Committee on Texas Constitution.

SENATE BILL 14 ON SECOND READING

Senator Traeger moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 14** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Snelson, Traeger and Williams.

Absent-excused: Andujar and Sherman.

The President laid before the Senate on its second reading and passage to engrossment:

S.B. 14, A bill to be entitled An Act relating to the creation of juvenile boards and the office of juvenile probation officer for certain counties; making other provisions relative to the boards and the probation programs; and declaring an emergency.

The bill was read second time.

Senator Adams offered the following amendment to the bill:

Amend **S.B. 14** by striking all below the enacting clause and substituting the following:

ARTICLE 1

Section 1. The Webb County Juvenile Board is composed of the County Judge of Webb County and the judge of each judicial district that includes Webb County.

Sec. 2. The Webb County Juvenile Board may:

(1) appoint a qualified person, trained or experienced in the field of juvenile and parental counseling, as juvenile probation officer;

(2) suspend or remove any employee at any time for good cause;

(3) require any person employed by the board to enter into a bond, payable to the board, conditioned on the faithful performance of his duties, with the premium for the bond payable by the board;

(4) authorize the use of foster homes for the temporary care of children charged with engaging in delinquent conduct or children deemed to be in need of supervision; and

(5) accept gifts or grants of real or personal property, subject to the terms and conditions on which they are made, for the use and benefit of the juvenile justice system.

Sec. 3. The Webb County Juvenile Board shall:

- (1) prescribe the duties and conditions of employment of its employees;
- (2) control and supervise all homes, schools, farms, and other institutions or places of housing maintained and used chiefly by the county for the training, education, detention, support, or correction of juveniles;
- (3) appoint superintendents of institutions maintained and used chiefly by the county for the training, education, detention, support, or correction of juveniles;
- (4) designate the juvenile court in Webb County in accordance with Section 51.04, Family Code; and
- (5) submit an annual proposed budget to the Webb County Commissioners Court.

Sec. 4. (a) As compensation for the added duties imposed on members of the Webb County Juvenile Board, each member thereof may be allowed additional compensation of not more than \$4,800 per year, to be fixed by the commissioners court of the county and paid monthly in 12 equal installments out of the general fund of the county. Such compensation shall be in addition to all other compensation now provided or allowed by law for county judges and district judges.

(b) The Commissioners Court of Webb County may reimburse the judge of the juvenile court for actual and necessary expenses incurred in attending seminars and other educational or instructional meetings pertaining to juvenile problems. The amount payable under this subsection is limited to a maximum of \$600 per year.

Sec. 5. The juvenile probation officer for Webb County has all the powers of a peace officer for the purpose of performing his duties under this Act.

Sec. 6. The juvenile probation officer for Webb County shall:

- (1) appoint assistant juvenile probation officers with the advice and consent of the juvenile board;
- (2) investigate all cases referred to him by the board;
- (3) investigate all cases brought before the juvenile court;
- (4) take charge of juveniles and perform services for them as directed by the board or the juvenile court;
- (5) represent the interest of the juvenile before the juvenile court;
- (6) furnish the board and the juvenile court any information and assistance required by them;
- (7) make a written report to the judge of the juvenile court showing facts relating to the environment, treatment, education, welfare, and other information that may assist the court in determining the proper disposition to be made of any juvenile; and
- (8) keep a record that will at all times show the names of all referrals and delinquent juveniles within Webb County and the names and addresses of the persons having custody of them.

Sec. 7. The Commissioners Court of Webb County shall fix the salary of persons employed by the juvenile board. The commissioners court may appropriate money from the general fund to the juvenile board for the administration of this Act. The juvenile board shall administer this Act with money appropriated by the commissioners court.

ARTICLE 2

Section 1. (a) The East Texas Juvenile Board, having jurisdiction in the counties of Jasper, Newton, Sabine, and San Augustine, is created.

(b) The board is composed of the county judges of Jasper, Newton, Sabine, and San Augustine counties and the judge of each district court having jurisdiction in any of those counties.

(c) The District Judge of the First Judicial District is chairman of the board and its chief administrative officer. The board shall elect a vice-chairman from among its members who are county judges.

Sec. 2. Within the area of jurisdiction of the East Texas Juvenile Board, the board may designate the juvenile courts, provide a juvenile probation program, and perform all powers and duties prescribed by law for juvenile boards.

Sec. 3. As compensation for the added duties imposed on the members of the East Texas Juvenile Board, each member who is a district judge may be allowed additional compensation to be fixed by a majority of the county commissioners of the participating counties and paid monthly in 12 equal installments out of the general fund or any available fund of the counties on a pro rata basis according to the population of each county in the last preceding federal census, and each member who is a county judge may be allowed additional compensation to be fixed by the commissioners court of his county and paid monthly in 12 equal installments out of the general fund or any available fund of the county. Such compensation shall be in addition to all other compensation provided or allowed by law for county judges and district judges.

ARTICLE 3

Sec. 1. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

Senator Adams offered the following amendment to the bill:

Amend **S.B. 14** by striking all above the enacting clause and substituting the following:

A BILL TO BE ENTITLED AN ACT

relating to the creation of juvenile boards and the office of juvenile probation officer in certain counties; making other provisions relative to the boards and the probation programs; and declaring an emergency.

The amendment was read and was adopted.

The bill as amended was passed to engrossment.

SENATE BILL 14 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 14** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Snelson, Traeger and Williams.

Absent-excused: Andujar and Sherman.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Snelson, Traeger and Williams.

Absent-excused: Andujar and Sherman.

CO-AUTHOR OF SENATE BILL 165

On motion of Senator Ogg and by unanimous consent, Senators Longoria and Santiesteban will be shown as Co-authors of **S.B. 165**.

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Tuesday, February 4, 1975

S.B. 18 - Senator Traeger

S.B. 41 - Senator Sherman

S.R. 76 - Senator Sherman

MEMORIAL RESOLUTIONS

S.R. 122 - By Senators Ogg, Williams, Mengden, Gammage and Brooks: Memorial resolution for Johnny Terrel Bamsch.

S.R. 123 - By Senator Snelson: Memorial resolution for Mrs. Frank C. Hodges.

S.R. 124 - By Senator Snelson: Memorial resolution for Mrs. Ruel (Ruth) Adams.

S.R. 125 - By Senator Snelson: Memorial resolution for Mr. Charles F. Underwood.

S.R. 128 - By Senator Adams: Memorial resolution for Ned Shands, Jr.

S.R. 129 - By Senator Adams: Memorial resolution for Lewis E. Lanier.

S.R. 130 - By Senator Adams: Memorial resolution for Landon Hazen Bradshaw.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 120 - By Senator Kothmann: Extending congratulations to Dr. Walter B. Barnett, Jr.